

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

CLERK'S MINUTES

BEFORE DISTRICT JUDGE JAMES O. BROWNING (IN LAS CRUCES)

CASE No.: No. CR 15-4268 **DATES:** December 11-13, 2017

CASE CAPTION: *USA v. DeLeon, et al.,*

CRD: J. Standridge **COURT REPORTER:** J. Bean

MONDAY, DECEMBER 11, 2017

COURT IN SESSION:	1:08 p.m.	COURT IN RECESS:	2:31 p.m. = 1:23
	2:48 p.m.		4:16 p.m. = 1:28
	4:32 p.m.		5:27 p.m. = :55
			TOTAL = 3:46

TUESDAY, DECEMBER 12, 2017

COURT IN SESSION:	9:02 a.m.	COURT IN SESSION:	10:31 a.m. = 1:29
	10:47 a.m.		12:17 p.m. = 1:30
	1:18 p.m.		2:46 p.m. = 1:32
	3:03 p.m.		4:31 p.m. = 1:28
	4:47 p.m.		5:32 p.m. = :45
			TOTAL = 6:44

WEDNESDAY, DECEMBER 13, 2017

COURT IN SESSION:	9:05 a.m.	COURT IN SESSION:	10:25 a.m. = 1:20
	10:45 a.m.		12:19 p.m. = 1:34
	1:29 p.m.		3:01 p.m. = 1:32
	3:17 p.m.		4:46 p.m. = 1:29
	5:04 p.m.		5:36 p.m. = :31
			TOTAL = 6:26
			GRAND TOTAL = 16:56

TYPE OF PROCEEDING: Motion Hearing (see below)

COURT'S RULING/DISPOSITION:

1. Motion to Suppress Involuntary Statements [1294] -
2. Motion to Suppress Statement [1295] -
3. Defendant Rudy Perez's Motion to Suppress Lost or Destroyed Evidence [1300] -
4. Defendant Carlos Herrera's Motion to Appoint Lead Counsel and Continue January 29, 2018 Trial Setting and Related Scheduling Order [1488] -
5. United States' Sealed Motion Regarding Attorney Conflict [1534] -

ORDER CONSISTENT WITH COURT'S RULING TO BE PREPARED BY: Court

ATTORNEYS PRESENT FOR PLAINTIFF(S):

Maria Armijo/Randy Castellano/
Matthew Beck, AUSAs

ATTORNEYS PRESENT FOR DEFENDANT(S):

Brock Benjamin & Richard Sindel (for Deft. Joe Lawrence Gallegos)

Cori Harbour-Valdez/Patrick Burke (for Deft. Edward Troup)

Robert Cooper/James Castle (for Deft. Billy Garcia)

Jeff Lahann (for Deft. Allen Patterson)

Orlando Mondragon/John Granberg (for Deft. Christopher Chavez)

Billy Blackburn/Scott Davidson (for Deft. Arturo Arnulfo Garcia)

Richard Jewkes/Amy Jacks (for Deft. Daniel Sanchez)

Marc Lowry/Theresa Duncan (for Deft. Anthony Ray Baca)

Amy Sirignano/Chris Adams (for Deft. Christopher Garcia)

William Maynard/Carrie Bhalla (for Deft. Carlos Herrera)

Ryan Villa/Justine Fox-Young (appearing telephonically) (for Deft. Rudy Perez)

Donovan Roberts/Lisa Torracco (for Deft. Andrew Gallegos)

Angela Arellanes (for Deft. Shauna Gutierrez)

Jerry Walz (for Deft. Brandy Rodriguez)

Ken Del Valle (for Eric Duran – Not Present)

COURT IN SESSION:

COURT:

Calls case. Counsel enter appearances. Defendants as listed above present in custody. *Case agents Bryan Acee and Nancy Stemo present. Mark Myers (NMDOC) present.*

MONDAY, DECEMBER 11, 2017

Court:

1:08 Court open

1:08 Court: Take up the matter of the recording device

1:09 Court: What is the Gov't concern regarding disclosure to the recording devices; why does defense need to view recording devices used by the Gov't? Motion to Reconsider by the Gov't.

1:12 AUSA Beck: Responds to Court regarding inquiry of recording device in question.

1:18 AUSA Beck: Witness Hugh S. Williamson called

1:18 Witness sworn, states name for the record

1:18 AUSA Beck: Inquires employment status of witness Hugh S. Williamson. Direct examination of witness.

2:02 AUSA Beck: Pass the witness

2:02 Ms. Jacks: Cross examination of witness Hugh S. Williamson

2:29 Ms. Sirignano: Cross examination of witness Hugh S. Williamson

2:31 Court: 15 minutes recess

2:48 Court: Back in session

2:49 Ms. Sirignano: Continues cross examination of witness Hugh S. Williamson

2:59 AUSA Beck: Objects, beyond the scope of direct examination

3:00 Court: Trying to understand what defense is requesting. Over-ruling objection.

3:01 Ms. Sirignano: Providing explanation of what is being requested. Proceed w/cross examination of witness Hugh S. Williamson

3:04 Ms. Sirignano: Moves to admit Exhibit Garcia, Chris – B

3:04 AUSA Beck: No objection

3:04 Court: Admits Exhibit Garcia, Chris – B

3:14 Ms. Sirignano: Moves to admit Exhibit Garcia, Chris – A

3:14 AUSA Beck: No objection

3:14 Court: Admits Exhibit Garcia, Chris – A

3:33 Ms. Sirignano: Pass the witness

3:33 Mr. Lowry: Cross examination of witness Hugh S. Williamson

3:55 Mr. Lowry: Pass the witness

3:55 Court: Witness may step down and is excused from this hearing

3:56 AUSA Beck: No further evidence, proceeds to closing arguments

4:06 Mr. Lowry: Closing arguments. Requests court order the production of the recording device.

4:16 Court: 15 minute recess

4:32 Court: Back in session

4:32 Mr. Lowry: Continue closing arguments. Review of device would allow inspection of the mechanics of the device. ie. Know if the device was "on" or "off", "recording" or "not recording" and not randomly turn on or off.

4:39 Ms. Sirignano: Closing arguments. Requests to review device (similar w/Mr. Lowry), the meta-data, and the original copy of the recording.

4:48 Ms. Jacks: Closing arguments. Join in request (w/Mr. Lowry) to review devices.

4:57 Mr. Lowry: Follow up on Ms. Jacks closing argument.

4:58 AUSA Beck: Responds to defense counsels' closing arguments.

5:07 Court: Poses question to Ms. Sirignano regarding the hash value of copies of recording(s).

5:11 AUSA Beck: Responds to Court's inquiry regarding the hash value.

5:15 Ms. Sirignano: Responds to Court's inquiry regarding the hash value.

5:21 Court: Suggests AUSA allow defense counsel to view covered device in order to touch the on/off switch and view lights.

5:27 Court in recess. Resume 9:00 a.m. on 12/12/2017

TUESDAY, DECEMBER 12, 2017

9:02 Court open

9:03 Court: 2 combined motions of Ms. Bahalla & Mr. Villa

9:03 Ms. Bahalla: Opening statements

9:05 Mr. Villa: Opening statements

9:12 AUSA Beck: Opening statements

9:18 AUSA Beck: Calls Bryan Acee

9:18 Witness sworn, states name for the record

9:19 Mr. Villa: Requests to Invoke the Rule regarding witnesses

9:20 Court: Granted. Rule is invoked regarding witnesses in courtroom.

9:20 AUSA Beck: Inquires employment status of witness Bryan Acee. Direct examination of witness.

9:39 AUSA Beck: Moves to admit Exhibits "Gov't #31 - #37" (Audio Discs), and Exhibits "Gov't #31a - #37a" (Transcripts)

9:40 Defense: No objections

9:40 Court: Exhibits "Gov't #31 - #37" and "Gov't #31a - #37a" admitted.

9:44 AUSA Beck: Moves to admit Exhibits "Gov't #38 - #39" (State Police Recordings 03/08/2014 & 03/10/2014)

9:44 Defense: No objections

9:44 Court: Exhibits "Gov't #38 - #39" admitted.

9:59 AUSA Beck: Pass the witness

9:59 Mr. Villa: Cross examination of witness Bryan Acee

10:12 Mr. Villa: Move to admit Exhibit “RP-A” (Judgment for Billy Cordova)

10:12 AUSA Beck: No objection

10:12 Court: Exhibits “RP-A” admitted.

10:31 Court: 15 minute recess

10:47 Court: Back in session

10:47 Mr. Villa: Continue cross examination of witness Bryan Acee

10:49 Mr. Villa: Request to review notes used by witness Bryan Acee.

10:49 Court: Approved

11:08 Mr. Villa: Move to admit Exhibit “RP-B” (3 page diagram of PNM Level 5 & 6, layout of Level 6 Rec Yard)

11:08 AUSA: No objection

11:08 Court: Exhibits “RP-B” admitted.

11:23 Mr. Villa: Move to admit Exhibit “RP-C” (Print out Meta Data S/N 1168 – 11 sessions – Rudy Perez)

11:23 AUSA: No objection

11:23 Court: Exhibits “RP-C” admitted.

11:46 Mr. Villa: Pass the witness

11:46 Ms. Bahalla: Cross examination of witness Bryan Acee

11:53 AUSA Beck: Objection. Beyond the scope of direct examination

11:53 Ms. Bahalla: Responds to Gov’t’s Objection

11:54 Court: Does not implicate any security risk. Over-ruled

12:03 Ms. Bahalla: Shows witness a copy of a transcript between Herrera and Cordova

12:08 Ms. Bahalla: Move to admit Exhibit “CH-A” (Transcript between Herrera and Cordova)

12:08 AUSA: No objection

12:08 Court: Exhibits “CH-A” admitted.

12:13 Ms. Bahalla: Shows witness (3) 302’s/1023’s related to initial conversation with Mr. Cordova

12:17 Court: 1 hour lunch break

1:18 Court: Back in session

1:19 AUSA Beck: Request to change of witness. Temporarily suspends testimony of witness Bryan Acee. Calls witness Billy Cordova

1:19 Defense: No objections

1:20 Court: Addresses defendants behavior during testimony of witness Cordova

1:20 AUSA Beck: Request to quash subpoena for Warden German Franco

1:22 Court: Subpoena for German Franco is quashed

1:25 Witness Billy Cordova sworn, states name for the record

1:25 AUSA Castellano: Inquires status of witness Billy Cordova. Direct examination of witness.

1:50 AUSA Castellano: Shows witness dialog between Chavez and CHS (bates stamp 20999)

1:51 AUSA Castellano: Shows witness dialog between Chavez and CHS (bates stamp 21000)

2:00 AUSA Castellano: Pass the witness

2:00 Ms. Bahalla: Cross examination of witness Billy Cordova

2:10 AUSA Castellano: Objects to questioning regarding "paperwork". Not questioning regarding recordings

2:10 Ms. Bahalla: Provides response to AUSA objection

2:11 Court: Allows small lead-way

2:12 Ms. Bahalla: Continues cross examination of witness Billy Cordova

2:22 AUSA Castellano: Objects to witness answering specifics of device.

2:22 Court: Take questions one (1) at a time to determine if witness may or may not answer.

2:36 Ms. Bahalla: Shows witness Offender Discipline History for Billy Cordova dated 07/26/2017

2:39 Ms. Bahalla: Moves to admit Exhibit "CH-B" (Offender Discipline History for Billy Cordova dated 07/26/2017)

2:40 AUSA Castellano: No objection

2:41 Court: Exhibit "CH-B" admitted

2:46 AUSA Castellano: Object to line of questioning following the recordings

2:46 Ms. Bahalla: Responds to AUSA objection

2:46 Court: Confused on time line, will need to be cleaned up after the break.

2:46 Court: 15 minute recess

3:03 Court back in session

3:03 AUSA Castellano: Objects to every conversation witness had with Agent Acee following the recordings.

3:04 Court: Allows conversations pertaining to recordings, but not every conversation held with Agent Acee. Informs witness Billy Cordova, he is still under oath.

3:06 Ms. Bahalla: Continues cross examination of witness Billy Cordova

3:13 Ms. Bahalla: Moves to admit Exhibit "CH-C" (Transcript)

3:13 AUSA Castellano: No objection

3:13 Court: Exhibit "CH-C" admitted

3:14 Ms. Bahalla: Passes the witness

3:14 Mr. Villa: Cross examination of witness Billy Cordova

3:38 Mr. Villa: Shows witness Exhibit "RP-D" (Video PNM-North, Edited Walk-through)

3:47 Mr. Villa: Moves to admit Exhibit "RP-D" (Video PNM-North, Edited Walk-through)

3:47 AUSA Castellano: No objection

3:47 Court: Exhibit "CH-D" admitted

3:55 Court: Permits Mr. Samore (counsel for witness Billy Cordova) to move closer in case objections need to be made.

4:05 Mr. Villa: Passes the witness

4:06 Ms. Jacks: Cross examination of witness Billy Cordova

4:22 Ms. Jacks: Objection, non-responsive

4:22 Court: Advises witness to answer questions asked in cross examination, without adding additional comments

4:31 Court: 15 minute recess

4:47 Court: Back in session

4:47 Ms. Fox-Young: Calls witness Jose B. Martinez

4:47 Witness Jose B. Martinez sworn, states name for the record

4:47 Ms. Fox-Young: Inquires employment of witness Jose B. Martinez. Direct examination of witness.

4:53 Ms. Fox-Young: Pass the witness

4:53 Court: Inquires if any other defense has questions of the witness

4:53 AUSA Beck: Cross examination of witness, pass the witness

4:54 Court: Witness Jose B. Martinez excused from the proceedings

4:55 Court: Recall of witness Billy Cordova

4:55 Ms. Jacks: Continue cross examination of witness Billy Cordova

5:04 AUSA Castellano: Objection, relevance question related to conversation after recordings

5:04 Ms. Jacks: Responds to objection

5:04 Court: Over-ruled

5:19 Ms. Jacks: Passes the witness

5:19 Ms. Duncan: Cross examination of witness Billy Cordova

5:21 AUSA Castellano: Objection, relevance regarding Eric Duran trying to record Billy Cordova

5:21 Ms. Duncan: Responds to Objection

5:21 Court: Sustained

5:21 Ms. Duncan: Continue cross examination of witness Billy Cordova

5:28 Ms. Duncan: Passes the witness

5:28 Court: Inquires of defense if any additional cross examination

5:28 AUSA Castellano: Re-direct of witness Billy Cordova

5:32 AUSA Castellano: Pass the witness

5:32 Court: Witness Billy Cordova excused from the proceedings

5:32 Court: Resume 9:00 a.m. on 12/13/2017

WEDNESDAY, DECEMBER 13, 2017

9:05 Court open.

9:05 Mr. Adams: House-keeping related to black boxes. Request for next week's hearings, all depts not be in black boxes.

9:07 Court: Speak w/USMS. Court will take advice from the USMS regarding the removal of the black boxes

9:08 AUSA Beck: Recalls Agent Bryan Acee, to continue cross examination.

9:09 Court: Reminds Agent Acee is still under oath.

9:09 Ms. Bahalla: Continue cross examination of Agent Acee

9:14 Ms. Bahalla: Pass the witness

9:14 Mr. Lahann: Cross examination of Agent Bryan Acee

9:18 Mr. Lahann: Pass the witness

9:18 Ms. Jacks: Cross examination of Agent Bryan Acee

9:33 Ms. Jacks: Pass the witness

9:33 AUSA Beck: Re-direct examination of Agent Bryan Acee

9:37 AUSA Beck: For purpose of this hearing, move to admit Gov't Exhibit #16 (Previously admitted at a prior hearing)

9:37 Defense: No objection

9:37 Court: Gov't Exhibit #16, admitted for the purpose of this hearing

9:39 AUSA Beck: For purpose of this hearing, move to admit Gov't Exhibits #40 and #40a (Un-enhanced Recording; Enhanced Recording)

9:39 Ms. Bahalla: Objection, but can address during closing arguments

9:39 Court: Gov't Exhibit #40 and #40a, admitted for the purpose of this hearing

9:43 AUSA Beck: For purpose of this hearing, move to admit Gov't Exhibits #41 and #41a (Recorded Conversation; Recorded Conversation – Enhanced)

9:43 Defense: No objection

9:43 Court: Gov't Exhibit #41 and #41a, admitted for the purpose of this hearing

9:45 AUSA Beck: Pass the witness

9:45 Mr. Villa: Re-cross examination of Agent Bryan Acee

9:46 Mr. Villa: Pass the witness

9:46 Court: Witness Agent Bryan Acee may step down

9:46 AUSA Armijo: Calls witness Jerry Roark

9:46 Witness Jerry Roark sworn, states name for the record

9:47 AUSA Armijo: Inquires employment of witness Jerry Roark. Direct examination of witness.

9:57 AUSA Armijo: Move for admission of Gov't Exhibit #42 (NM Corrections Dept – Level IV Table of Services)

9:57 Defense: No objection

9:57 Court: Gov't Exhibit #42, admitted for the purpose of this hearing

10:16 AUSA Armijo: Move for admission of Gov't Exhibit #43, #44, #45 (NM Corrections Dept – Offender Physical Location History – Rudy Perez; Offender Physical Location History – Carlos Herrera; Offender Physical Location History – Billy Cordova)

10:16 Defense: No objection

10:16 Court: Gov't Exhibit #43, #44, #45, admitted for the purpose of this hearing

10:25 AUSA Armijo: Pass the witness

10:25 Court: Clarification, for the record, of defts that do not have black boxes today: Billy Garcia abrasions on wrists, Arturo Garcia cuts on wrists, Allen Patterson.

10:25 Court: 15 minute recess

10:45 Court: Back in session. Call witness Jerry Roark back to the stand, still under oath.

10:45 Ms. Fox-Young: Cross examination of witness Jerry Roark

10:45 Ms. Fox-Young: Move for admission of Exhibit #RP-E (Notes by witness Jerry Roark, used during testimony)

10:51 AUSA: No objection

10:52 Court: Exhibit #RP-E, admitted

11:26 Ms. Fox-Young: Move for admission of Exhibit #RP-F (NM Correction Dept – Level V & VI Placement Criteria and Procedures dated 06/24/2014)

11:26 AUSA: No objection

11:26 Court: Exhibit #RP-F, admitted

11:40 Ms. Fox-Young: Move for admission of Exhibit #RP-G (NM Corrections Dept – Level VI/Interim Level VI/PHD/Disciplinary Placement – Inmate Rudy Perez)

11:40 AUSA: No objection

11:40 Court: Exhibit #RP-G, admitted

12:01 Ms. Fox-Young: Move for admission of Exhibit #RP-H (E-mail chain between Jerry Roark, Wendy Perez & Roland Mares, Subject – Rudy Perez 40830, dated 02/11/2015)

12:01 AUSA: No objection

12:01 Court: Exhibit #RP-H, admitted

12:06 Ms. Fox-Young: Pass the witness

12:06 Ms. Bahalla: Cross examination of witness Jerry Roark

12:11 Ms. Bahalla: Move for admission of Exhibit #CH-D & #CH-E (NM Corrections Dept – Level VI/Interim Level VI/PHD/Disciplinary Placement – Inmate Carlos Herrera, dated 03/11/2014 & NM Corrections Dept – Level VI Status Review – Inmate Carlos Herrera, dated 03/11/2014)

12:11 AUSA: No objection

12:11 Court: Exhibit #CH-D & #CH-E, admitted

12:14 Ms. Bahalla: Move for admission of Exhibit #CH-F & #CH-G (Reclassification Scoring Form – Inmate Carlos Herrera dated 06/18/2014 & Reclassification Scoring Form – Inmate Carlos Herrera dated 12/02/2014)

12:14 AUSA: No objection

12:14 Court: Exhibit #CH-F & #CH-G, admitted

12:18 Ms. Bahalla: Move for admission of Exhibit #CH-H (NM Corrections Dept – Tap Committee Review dated 12/03/2014)

12:18 AUSA: No objection

12:18 Court: Exhibit #CH-H admitted

12:19 Court: 1 hour lunch break

1:29 Court: Back in session

1:29 Mr. Jewkes: Cross examination of witness Jerry Roark

1:37 Mr. Jewkes: Pass the witness

1:37 Ms. Duncan: Cross examination of witness Jerry Roark

1:39 Ms. Duncan: Move for admission of Exhibit #AB-A (NM Corrections Dept – Level VI/Interim Level VI/PHD/Disciplinary Placement – Inmate Anthony Baca, dated 06/28/2013)

1:39 AUSA: No objection

1:39 Court: Exhibit #AB-A admitted

1:45 Ms. Duncan: Move for admission of Exhibit #AB-B (Confidential Information Memo from Lt. Mark Griego, dated 06/26/2013)

1:45 AUSA: No objection

1:45 Court: Exhibit #AB-B admitted

2:00 AUSA Armijo: Objects to the questioning of the location of people, beyond the scope, phishing for information

2:00 Ms. Duncan: Responds to AUSA objection

2:01 Court: Sustains objection.

2:02 Ms. Duncan: Move for admission of Exhibit #AB-C (Letter from Anthony Baca to Jerry Roark, dated 02/07/2014)

2:02 AUSA: No objection

2:02 Court: Exhibit #AB-C admitted

2:05 Ms. Duncan: Pass the witness

2:06 Defense: No further cross examination

2:06 AUSA Armijo: Re-direct of witness Jerry Roark

2:09 AUSA Armijo: Move for admission of Exhibit #46 (Offender Disciplinary History – Rudy Perez)

2:09 Defense: No objection

2:09 Court: Exhibit #46 admitted

2:23 AUSA Armijo: Move for admission of Exhibit #47 (CMIS Inmate Privilege Level – Carlos Herrera)

2:23 Ms. Bahalla: Objects to admittance of Gov't Exhibit #47. Voir Dire of witness regarding said exhibit

2:23 AUSA Armijo: Laying foundation for admittance of Gov't Exhibit #47.

2:30 AUSA Armijo: No further questions

2:30 Court: Admit Gov't Exhibit #47 into evidence

2:31 Ms. Fox-Young: Re-cross of witness Jerry Roark

2:35 Ms. Fox-Young: No further questions

2:35 AUSA Armijo: Re-direct

2:36 Court: Witness excused from the proceedings

2:37 AUSA Armijo: No further witnesses

2:37 Mr. Villa: Calls defendant Rudy Perez

2:37 Defendant Rudy Perez sworn, states name for the record

2:37 Mr. Villa: Inquires status of witness Rudy Perez. Direct examination of witness.

2:41 Mr. Villa: Pass the witness

2:42 Defense: No cross examination of witness Rudy Perez.

2:42 AUSA Castellano: Cross examination of witness Rudy Perez.

3:01 Court: 15 minute recess

3:17 Court: Back in session

3:17 Court: Sessions for next week, hearings continue Dec 18 & 19, 2017

3:19 Court: Reminds Mr. Perez still under oath

3:19 AUSA Castellano: Continue cross examination of witness Rudy Perez.

3:45 AUSA Castellano: Pass the witness

3:45 Court: No other cross examination

3:45 Mr. Villa: Re-direct of the witness Rudy Perez

3: Mr. Villa: No further questions

3:47 Court: Witness may step down

3:47 Ms. Fox-Young: Calls Dr. Edwin French

3:47 Witness sworn, states name for the record

3:47 Ms. Fox-Young: Inquires employment of Dr. Edwin French. Direct examination of witness.

3:50 AUSA Armijo: No objections to offer opinion testimony in the areas of pharmacology, toxicology and neuroscience

4:01 Ms. Fox-Young: Pass the witness

4:01 Court: No other defense counsel wish to cross examine witness

4:01 AUSA Armijo: Cross examination of witness Dr. Edwin French

4:23 AUSA Armijo: Pass the witness

4:23 Court: No other defense counsel with to cross examine witness

4:23 Ms. Fox-Young: Re-direct of witness Dr. Edwin French

4:27 Ms. Fox-Young: No further questions

4:27 Court: Witness may step down

4:27 Mr. Villa: Calls witness Shannon McReynolds

4:27 Court: Discusses schedule for next week. Not committing to a schedule until the Court speaks w/Ms. Wild.

4:34 Witness sworn, states name for the record

4:34 Ms. Bahalla: Inquires employment of witness Shannon McReynolds. Direct examination of witness.

4:36 Ms. Bahalla: Moves to admit deft Carlos Herrera, Exhibit #CH-I (Witness Shannon McReynolds CV - 6 pages)

4:36 AUSA: No objection

4:36 Court: Admits Exhibit #CH-I

4:40 AUSA Beck: Objection to hearsay regarding housing of Carlos Herrera

4:41 Court: Not an expert in NM Inmate classification. Witness offering his opinion.

4:42 Ms. Bahalla: Responds to objection

4:44 Court: Admit exhibits to be presented by Ms. Bahalla.

4:46 Court: 15 minute recess

5:04 Court: Back in session

5:04 Court: Propose not except witness as an expert testimony. Not offer opinion testimony.

5:05 AUSA Beck: Agrees to court's proposal

5:05 Ms. Bahalla: Argues reason to allow witness to offer his opinion as an expert.

5:06 Court: Not allow witness to offer his opinion as an expert. Allow defense to get facts in.

5:07 Ms. Bahalla: Addresses the term of relevance. Attempts to place objection on the record.

5:07 Court: Ruled, not allow witness to offer opinion as an expert.

5:09 Ms. Bahalla: Continue direct examination of witness Shannon McReynolds

5:12 Ms. Bahalla: Testimony trying to obtain is classification. Argues why witness should be allowed to proceed w/testimony.

5:16 Ms. Bahalla: Continues direct examination of witness Shannon McReynolds

5:17 Court: Witness Shannon Reynolds has no testimony relevant to this hearing. Witness may step down.

5:18 Ms. Fox-Young: Calls witness Dr. Heather Brislen

5:18 Witness sworn, states name for the record

5:18 Ms. Fox-Young: Inquires employment of witness Dr. Heather Brislen. Direct examination of witness.

5:20 AUSA Beck: No objection to allow witness to provide expert opinion in this matter.

5:20 Court: Witness may offer expert opinion in this matter.

5:24 AUSA Beck: Objection to witness offering expert testimony on mental health

5:25 Court: Lay foundation. Allows testimony. May re-object if testimony gets too far into psychological testimony.

5:26 Ms. Fox-Young: Continue direct examination

5:31 Court: Talk about scheduling

5:31 Ms. Fox-Young: Continue direct examination. Pass the witness

5:32 Court: No other cross examination by other defense

5:32 AUSA Beck: Cross examination of witness Dr. Heather Brislen.

5:34 AUSA Beck: Pass the witness

5:34 Ms. Fox-Young: Re-direct

5:34 Court: Witness may step down

5:35 Court: Resume Monday, 12/18/2017 @ 9:00 a.m.

COURT IN RECESS